

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-32 and 43-48 are presently active in this case. Claims 1, 20, 21, 24, 29, and 30 are amended, and Claims 43-48 are added by way of the present amendment. No new matter is added.

In the outstanding Office Action, the Restriction Requirement mailed on July 20, 2004, was indicated as maintained and Claims 33-42 were withdrawn from consideration. Applicants believe the Examiner intended to make the Restriction Requirement final in the outstanding Office Action. If this is not correct, please inform the Applicants in the next Office Action.

At the outset, Applicants note with appreciation the courtesy of the November 17, 2004 personal interview extended by Examiner Andre C. Stevenson to Applicants' representatives Ed Garlepp and Lee Stepina.

Claims 1-5, 7-10, 20, and 24-6 were rejected in the outstanding Office Action under 35 U.S.C. § 102(b) as being unpatentable over Weaver et al. (U.S. Patent No. 6,780,374, hereafter "Weaver"). Claims 6, 18, 19, 21, 22, 24, 27 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious over Weaver in view of Johnson et al. (U.S. Patent No. 6,740,853). Claims 11-17 were indicated as reciting allowable subject matter.

Applicants acknowledge with appreciation the indication that Claims 11-17 are allowable.

With regard to the rejection under 35 U.S.C. § 102(b), independent Claims 1, 20, 24, and 29 have been amended to include the feature of a gap having a cross-sectional profile with a first vertical dimension in a first region that is substantially different than a second vertical dimension in a second region. In contrast, the cited reference to Weaver discloses a

gap region 569 having a constant vertical dimension across its entire cross section. This is clear from Figures 5-7 of Weaver for example. Thus, Weaver does not disclose the above-noted feature now recited in Applicants' Claims 1, 20, 24 and 29, and these Claims overcome the rejection. Applicants respectfully submit that Claims 2-19, 21-23, and 25-32 which depend from amended Claims 1, 20, 24, and 29 either directly or indirectly, are also patentably distinguished over Weaver for at least the same reasons as amended Claims 1, 20, 24, and 29.

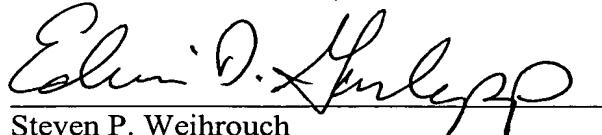
Regarding the obviousness rejection, as both the Weaver and Johnson references were discussed in the personal interview, and it was agreed that neither disclose the above described feature as recited in the amended claims, Applicants respectfully submit that the outstanding rejection under 35 U.S.C. § 103(a) has been rendered moot by the present amendment. Nevertheless, Applicants respectfully note that Johnson et al. does not qualify as prior art to the present application. In this regard, Applicants submit that the 102(e) date of Johnson is September 17, 2002 and not the International (i.e. PCT) filing date. See Example 6 at page 700-33 of the MPEP.

Newly added Claim 43 includes the limitations of original Claims 1, 4 and 12. Newly added Claim 44 contains the features of original Claim 13, and newly added Claim 45 contains the features of original Claim 14. Newly added Claim 46 includes the features of original Claims 1 and 11. Newly added Claim 47 includes the features of original Claims 1 and 16, and newly added Claim 48 includes the features of original Claim 17. As newly added independent Claims 43, 46 and 47 contain matter indicated as allowable, Applicants respectfully submit that these claims and the claims that depend from them patentably distinguish over the cited references.

Consequently, in view of the above discussion it is respectfully submitted that the present application is in condition for a formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch  
Registration No. 32,829

Edwin D. Garlepp  
Registration No. 45,330

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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